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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,101	10/06/2003	Kazuhiro Iida	CS-29-031006	4419

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EXAMINER

JOHNSON, VICKY A

ART UNIT PAPER NUMBER

3682

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/678,101

Applicant(s)

IIDA, KAZUHIRO

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2-6, 8 and 9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 10 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 10, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saeki (JP 2001-71577).

Saeki discloses an electric actuator comprising a driving force-transmitting belt for transmitting rotary driving force of a rotary driving source (motor/pulley) to a slider (5), and a tension-adjusting mechanism (T) for adjusting tension of said driving force-transmitting belt (4), said tension-adjusting mechanism comprising: a first member (10) to which one end of said driving force-transmitting belt is connected; a second member (7) to which another end of said driving force-transmitting belt is connected and which is provided displaceably in an axial direction with respect to said first member (abstract); an adjusting member (11) which adjusts a distance between said first member and said second member (abstract); and an elastic member (8) which is provided between said adjusting member and said first member or between said adjusting member and said second member (see Fig 2), wherein said first member is fixed on said slider (see Fig 2), and an axis of said adjusting member is disposed within a cross section of said driving force-transmitting belt perpendicular to said axis (see Fig 2).

Re claim 7, wherein centerlines of one end and the other end of said driving force-transmitting belt and said axis of said adjusting member are arranged on a straight line (see Fig 2).

Re claim 10, even though product by process claims are limited be and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product by process claim is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. See MPEP 2113.

Re claim 21, said one end of the driving force transmitting belt, when connected to the first member, is immovable with respect to the first member (see Fig 2), and the another end of the driving force transmission belt, when connected to the second member is immovable with respect to the second member (see Fig 2).

#### ***Allowable Subject Matter***

3. Claims 11-20, 22, and 23 are allowed.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,988,927	Pfarr	(lock members)
5,419,744	Kagebeck	(lock members)
2003-0076380	Yusef et al	(spring)
5,902,201	Vermeer et al	(adjusting mechanism)
6,860,828	Huang	(tensioner)
JP11-254775	Nakano	(spring)
JP09-234926	Yamada	(tensioner)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Vicky A. Johnson  
Primary Examiner  
Art Unit 3682  
8/15/06